

The Philanthropist.

JAMES G. BIRNEY.

We are verily guilty concerning our brother *** therefore, is this distress come upon us.

EDITOR AND PROPRIETOR.

VOLUME I.

NEW RICHMOND, OHIO, FRIDAY, FEBRUARY 19, 1836.

NUMBER 8.

THE PHILANTHROPIST

IS PUBLISHED WEEKLY AT

NEW RICHMOND, CLERMONT CO., OHIO.

Terms.

Two Dollars per annum, always payable in advance.

All Letters and Communications must be post-paid—and should be directed to the Editor of the Philanthropist. Names of the Counties particularly should be mentioned in directing where papers are to be sent.

An Advertisement making one square or a space of equal length and breadth, will be inserted three times for One Dollar.

SLAVE-HOLDER'S DEPARTMENT.

SPEECH OF MR. PICKENS,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES, JAN. 21, 1836,

On the Abolition Question.

Published from the Notes of Henry Godfrey Wheeler, revised and corrected by the Author.

THE above title-page to this singular parliamentary production, it is to be presumed, is written by the "Author," himself. He has taken more than common pains to introduce this speech—doubtless, his *chef d'œuvre*—to the favorable notice of the public. As one of that public, were we called on to pass judgment on it, as an intellectual effort, or as a literary composition, we should be compelled, in justice, to assign it a very humble station. It is deficient in almost everything—except the subject itself, and the *fury* which it betrays—that can impart interest to the reader. For our life, we could not keep out of mind, whilst reading it, the old mock-heroic tragedy of "Chrononhotonthologos," abounding in words of sound and fury,—nor from thinking that it may have constituted the rhetorical text-book of Mr. Pickens, in his younger days.

But other considerations draw our attention to the speech of this gentleman;—it gives evidence of the temper of the south in reference to emancipation. Taken in connexion with the speeches and conduct of many other of the slaveholding members of Congress, during the present session; with the lawless plundering of the mail, and the bloody executions, by southern "Vigilance Committees,"—it affords lamentable proof of the havoc made on the head and the heart of those who continue to usurp absolute power over any portion of their fellow-men. It brings up, irresistibly, this sentiment of Montesquieu—that *confederated states cannot well exist together, unless they are based on the same principle*—together with his forcible illustration found in the history of the Grecian republics. Philip of Macedon, a *despot*—when once admitted as a member of the Amphictyonic Council, soon put an end to the liberties of the republics. Their names remained—but nothing else.

That such will be the result with our own republic, unless the overbearing and despotic temper of the south be healed, by the removal of slavery, the "meat it feeds on," there can, with any considerable mind, exist no longer any doubt. We may, it is true, enjoy for a long time, unmolested, the advantages of a rich commerce; we may accumulate the wealth springing from our prolific soil and the ten thousand exhaustless resources of the country, but unless slavery cease—and that right speedily—the soul, the life, the spirit of liberty among us will be quenched—and proclamation will be made throughout the land, that "MAN'S EQUALITY AS TO RIGHTS IS A MERE ABSTRACTION, that can have no actual existence"—and that the "CAPITALISTS" must of necessity "OWN"—as the south do their SLAVES—the WORKING MEN of the country.

Whilst it is difficult for us to write of such things with becoming calmness, we cannot but admire the unruffled temper, the iceberg composure of certain dough-face editors, both far and near, who hear, and see, and read them; but who, "if a kitten cry, mew" against a "system" that is bringing our country to ruin, and our posterity (should they be poor) to slavery,—straightway, with the heat and fury of *Etna*, they cry out for a mob to silence or consume him.

Mr. PICKENS rose and observed, that he regretted exceedingly the necessity that induced him to say anything on the interesting and deeply exciting topic before the House. Sir, when I had occasion, some weeks since, to make a few remarks on this subject, I, as well as the party I have the honor to be associated with, were then denounced as attempting to raise a discussion and excitement for party purposes. It was said, that like the Hartford-Convention men and the abolitionists, we were put down and sunk in the country, and that we desired some sectional excitement to raise us from our weak position, &c. I would disdain to notice this, if the charge had originated from, and been confined to, a miserable whistler editor, who has been hired to hunt down all that is virtuous and intellectual in the country—who has fed upon calumny and fattens upon slander, and upon whose countenance envy and malignity hold their cadaverous union—I would loathe to touch this pitiful thing, that lives by licking the spittle of men, if it were not that it is understood to represent the executive branch of this government, and is the organ of the dominant party that now rules the destinies of this republic. This being the fact, I call upon every honest and virtuous man to brand it with the indignation that its falsehood and infamy deserve. Let no man suppose, that because I belong to a comparatively small party, persecuted and misrepresented, my voice is ever to be silenced upon this floor, when the honor or the interests of those I stand here to represent may be involved, directly or indirectly. No earthly consideration shall deter me from uttering the sentiments of my heart on this subject. Let no man make it a question for partisan warfare, or for party triumph. It rises above all parties, and is identified with the dearest and paramount interests of every southern slave in this confederacy.

Mr. Speaker, I have seen enough to convince me that there is an ungodly state of feeling here and elsewhere, totally at war with our rights and institutions. I have not read passing events for the last year to be now deceived at what I see. I agree

with gentlemen, when they say the abolition societies and their open partisans are, at present, compared with other great parties, small, so far as numbers are concerned. But, to ascertain their real strength, we must examine the peculiar division of parties that exists in the non-slaveholding states. Take, for instance, New York, and we find there the anti-masonic party, the whig party, and the party I believe called the "regency party." From the division of these parties, the abolitionists become important and powerful, as holding the balance of power; hence it is, that all other parties, desiring their strength, acquiesce to a certain extent, in their measures and movements. There is a high game playing for political power, and those who would seem to be weak from numbers become strong from position. Their strength consists in fanaticism—in painting scenes of imaginary evil—in appealing to the passions of the heart, and, as the gentleman from Massachusetts (Mr. Adams) says, to their religion. And when was fanaticism arrested? Look at its history all over the world. In its first commencement, it is seen like a speck in the distant horizon—but mark it as it rises—it spreads and widens and grows blacker and blacker, until it sweeps with the fury of the rushing tornado, desolating the earth; and the good and the wise stand as if stricken with dumbness, while the bold and the strong quake and tremble like unweaned infants under the trumpet's blast.

In its first struggles, it is despised for its weakness, but at length, "erescit eundo," until it walks erect in its giant strength and power, and, with the muscular action of a madman, tramples into the dust and earth those who at first felt pity for its delusion, and contempt for its impotence. The only way to contend with it is to meet it and strangle it in its infancy.

What has been the history of the last summer? We have seen the whole country excited and agitated to the highest degree. There has not been a state, nor county, nor town, from one end of this Union to the other, that has not been tremblingly alive to the "general welfare." Societies upon societies have been formed—thousands upon thousands have been raised for the avowed object of producing a change—a deep and vital change—in the domestic institutions of the southern states. There is scarcely a common newspaper, a magazine, or review that comes from the north, but what brings something of prejudice and denunciation against us. There is not a school-book, not a common geography, which does not contain something, by innuendo or insinuation, calculated to train up our children to believe that the inheritance of their fathers is full of evil and iniquity. The prejudices, opinions, and moral power of the whole non-slaveholding states are directly and openly against us on the subject of domestic servitude. (1) And well may the gentleman from Massachusetts (Mr. Adams) declare that every member's speech on this subject from north of Mason and Dixon's line, would be an incendiary pamphlet, and if they pursued a certain course here, they would be swept from their seats.

Sir, under these circumstances, it is astonishing that we should be excited here! But it is not in our own country only that we have to encounter prejudice. England has emancipated her West India islands. France is also moving in the same direction—her press, too, is calling up the prejudices of the nation against this institution. And in England there is no review, from the polished and talented Edinburgh down to the Jeremy Bentham leveling Westminster, that does not open its battery and denunciation upon us. Even, too, that prince of modern demagogues, Mr. O'Connell, in the plenitude of his arrogance and vanity, must think fit to strike the vilest and basest notes, to call up the passions and prejudices of the ignoble and low, against institutions, the true nature of which his ignorance forbade him to understand, and against a gallant people whose virtues his natural vulgarity could never appreciate. He talks about equal rights and public truth, when he lives upon a splendid income raised by "grinding the face of the poor," by drawing the last farthing from a starving and devoted people! And here I regret, deeply regret, that a gentleman on this side of the Atlantic, distinguished for his learning and elegant diction, has recently thought proper to echo back these notes, and play a second part to this Irish demagogue, by publishing sentiments and a tissue of visionary declamation, calculated to have no other effect than to excite feelings, sympathies, and prejudices at war with the harmony of the Union, and the forbearing principles of the constitution, which he, as well as every other good citizen, has tacitly sworn to support. I mean Dr. Channing, and I allude to him with pain and regret. Instead of standing on his palmy eminence, with the benevolence and charity of an enlightened christian, to pour out "oil upon the troubled waters," we find him inculcating sentiments and spreading doctrines calculated to alienate the affections and sympathies of the people of this Union from different sections.

Mr. Speaker, we cannot mistake all these things. The truth is, the moral power of the world is against us. It is idle to disguise it. (2) We must, sooner

NOTES.

(1) Truly, the south is in a bad condition as to her literature. However, it is not irremediable;—we see no reason why literature, as well as the most sacred principles of religion and of government, may not be made to bend to the "blessing" of slavery, and shape itself according to the mandate of so desirable "a relation." The south may choose the "chivalrous" times of Roderic Dhu or of Marmion on which to form their literary "system"—or a period more nearly allied to the shepherd or nomadic state. Should they choose the latter, how pleasant will be their "pastorals!" How often blithely will the black Menalcas and Melibæus (often rewarded, doubtless, as the original poetic competitors were, with an oaken cudgel each) sing, while attending the patriarchal flocks, the praises and the delights of their playful, sunshiny, and laughing lives!

(2) Mr. Pickens is a man of no contemptible share of valor, to stand up against such fearful odds. It throws quite into the shade the heroism of Don Quixotte, when he demanded, that a brace of lions should be turned out of their cage, that the power of his arm in subduing them might be confessed. Let us bring into close array the odds against the orator: First—"fanaticism" out of its infancy, and therefore impossible to be arrested;—next, "societies upon societies,"—next, the newspapers, the magazines, and the reviews,—next, the school-books and geographies;—then England;—France, too, is about entering the lists against him;—again, the English and Scotch reviews;—then O'Connell; in quick succession, Dr. Channing also comes down

or later, meet the great issue that is to be made upon this subject. Deeply connected with this, is the movement to be made in the District of Columbia. If the power be asserted in Congress to interfere here, or any approach made towards that end, it will give a shock to our institutions and the country, the consequences of which no man can foretell. Sir, as well might you grapple your iron grasp into the very heart and vitals of South Carolina, as to touch this subject here. Georgia has perceived this, and felt its full force. She, under these views, has recently passed a resolution declaring it unconstitutional for Congress to touch this matter here, and met the whole subject as became her and her interests. Under these circumstances, I was astonished to hear the gentleman from Georgia (Mr. Holsey) intimate that he was willing, for the present, to give this resolution the *go-by*. [Here Mr. Holsey explained that he was willing to meet the question when it came up at the proper time, in a distinct and independent resolution, &c.] Mr. P. then proceeded, and said that he would not press these circumstances at present.

Virginia has but the other day passed a resolution to the same purport. She, alive to the deep stake she has in the question, has approached near to unanimity on it. The resolution denying to Congress any constitutional power over the subject in this District, was passed by a vote of 115 to 9 in her House of Delegates. There, there is one subject at least upon which all parties can unite. I was deeply gratified to see that noble state speaking as became her ancient character. That proud state, justly proud, from having enrolled on the scroll of fame her honored patriots, has felt her vital interests and honor concerned, and moved with an unanimity and spirit that became the land of Richard Henry Lee, George Mason, and Patrick Henry. I trust no son of hers here, will fall below the position she has chosen to occupy. Before she can waver or falter on this subject, directly or indirectly, you must first break up the foundations of all her institutions; you must make a new race of people in her bosom, who must forget the glory of the past; whose hearts must beat with impulses and emotions of a new and degenerate nature; whose mothers must quicken with a new and unnatural offspring.

Sir, I deprecate all party ties and party feelings in this matter. It is too solemn a subject for this. If there be any man here who has any misgiving or trembling as to the future on this subject, let me say to him, this is no place for him. If there be any representative here from any part or portion of the slaveholding race, whose heart is so bowed down in subservience and servility to party discipline and party organization as to be drawn off on this question for the vile purpose of partisan ascendancy and political triumph in the miserable conflicts of the day, let me say to him, this is no place for him, unless he is prepared to cover himself with prostitution. If there be any gentleman here from the same region, whose aspirations are to please the dominant interests of this confederacy by sycophancy and flattery, for the purpose of clothing himself in the livery and trappings of office, this is no place for him, unless he is prepared to abandon the inheritance of his fathers, and cover his children with degradation and ruin.

It is of no avail to close our eyes to passing events around us, in this country and in Europe. Everything proclaims that, sooner or later, we shall have, to meet the strong and the powerful, and we shall have to tend over the tombs of our fathers for our consecrated hearth-stones and household gods, or abandon our country to become a black colony, and seek for ourselves a refuge in the wilderness of the west. It is in vain to avoid the contest. (3)

Mr. Speaker: As to the constitutional power of this government to touch the subject in any shape or form, within the states of this union, I disdain to argue the point. If the dominant interests of this nation should ever become so bold and reckless as to touch the matter, or exercise such a power, directly or indirectly, then, if we hold our seats on this floor, we shall become the slaves of slaves, and deserve our infamous destiny. If ever we should be forced to hold up the noble but mutilated parchment of the constitution as a shield between us and the Goths and Vandals who may have come in to desecrate and desolate all that is venerable and fair in the institutions of our country, then indeed shall we have lived to see the day when conflagration shall sweep through the land and scathe its living monuments—when the scattered fragments of a broken and dismembered empire shall exist here and there, only to mark where the republic once was. (4)

While I can never consent to discuss the constitutional power of this government as relates to the states, yet it becomes us to examine the powers under the constitution given in this District.

Mr. Speaker: Before we proceed on this point, it would be well for us to call to our minds the circumstances and causes that induced the acts of ces-

NOTES.

from his "palmy eminence" to break a lance;—and last, "the moral power of the world is against him!" In good sooth, this *corp* is formidable enough to strike terror into any adversary, excepting always the "chivalrous south."

Mr. Pickens, as the representative of the south, is in the situation of a stage heroine, who in the midst of her fancied distress cried out—

"Oh, when shall I have rest!"

A wag in the gallery replied off-hand—"Not till you pay me the two and sixpence you owe me." So with the south; she owes humanity a large amount, and it is utterly vain for her to look for "rest" from her spirit, till the debt is acknowledged and discharged.

(3) We doubt not—such is the blinding influence of long continued despotic sway,—that Mr. P. fancies himself occupying quite a "chivalrous" position in the eyes of all beholders; somewhat in the light of a Thermopylae hero, fighting to the death for his "rights" and his "hearth-stones." If the alternative he proposes is the only one, Mr. P. may maintain the *romantic*, and in our judgment, be the gainer, too, by packing up his "household gods" and like another hero of bygone times, seek another Hesperia "in the wilderness of the west."

(4) How is it, that southern gentlemen are always harping on things, about which there is no dispute? There is not in the United States, so far as we have heard, man, woman, or child, that believes Congress has any power, or right, or wish to touch the subject in any shape or form, within the states of this Union." Mr. P.'s constitutional argument we leave for extermination to the speech of Mr. Slade in this paper.

sion granting jurisdiction in this District. When Congress was in session at Philadelphia, a mob created great disturbance, and they found themselves unable, for want of authority, to protect themselves and their officers. Hence it became important that they should have some territory with exclusive jurisdiction over it. The object and sole desire of Congress was, to be able to protect itself, its officers, and its public buildings, and make such other municipal regulations as might be deemed necessary for the harmony, quiet, and independence of the government. When we look at these circumstances, and then compare the clause in the constitution conferring legislative power, we can come to but one conclusion, as to the great leading objects of the trust. The words are, that Congress "shall exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the states in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

"Exclusive legislation" here cannot mean absolute and unlimited legislation. This government cannot legally exist in any position without all the restraints of the constitution binding upon it. It is created by the constitution, and cannot act in any sphere, except under its specific grants: and to contend, that it has all the powers here that the states can exercise within their territories, is a solecism in constitutional law, for the states can exercise all the powers not prohibited by the principles and spirit of their own constitutions, or the constitution of the United States, while this government can exercise no power not specifically granted by the constitution, or absolutely necessary to carry into effect some specific grant. Exclusive legislation means that no other government shall have concurrent legislation. Congress shall exercise "like authority" over all places purchased for forts, arsenals, &c. The legislation and a authority exercised in this District, in like manner, shall be exercised over places purchased for forts, &c. If, then, Congress is unlimited here, then it is unlimited in those other places where public works are, and if slavery can be abolished here, then, in like manner can it be abolished in all those places in the heart of a state where there may be public works, &c. All the power intended to be given was to enable this government to protect and preserve its public works and improvements, and "like authority" was intended to be given in this District, authority that might be essential to carry out the legitimate objects of the original trust, and no more. Any exercise of power beyond the obvious meaning and plain intentions of the grant of power at the time it was given, is a violation of its spirit and perversion of its purposes.

Again: The ninth section expressly excludes Congress from prohibiting the importation of slaves until 1808. If the clause giving "exclusive legislation" embraces the power to abolish slavery, then it was created without limitation, at the date of the instrument. But if Congress had, before 1808, attempted to prohibit the importation of slaves, here or elsewhere, it would have been directly against the letter of the constitution. There has been no new requirement of power, since the date of that instrument, nor enlargement of the provisions of the clause granting "exclusive legislation." We cannot do that indirectly, which we cannot do directly: and if Congress had abolished slavery here prior to 1808, it would have been the most effectual measure to prohibit their importation, and this they were expressly prohibited from doing. I do not refer to this so much as being perfectly conclusive, as to show that it was the whole spirit and intention of the constitution that this government should have no power to disturb this delicate and exciting subject. We all know the extreme jealousy that existed amongst the states on this matter at the formation of the constitution—so much so, that it was one of the principal difficulties in forming a "more perfect union."

Is it to be supposed that Virginia, sensitive and jealous as she was at that time on the subject of slavery, would have ceded a portion of her territory and citizens, if she had, for one moment, conceived, that under the clause in the constitution conferring legislative powers, they were to be thrown at the mercy of other interests, and other sections, antagonistic to herself on this vital point?

The fifth amendment declares that "private property shall not be taken for public use, without just compensation." Much less can it be taken for private use. It cannot be taken except for public use. It becomes then important to ascertain whether slaves are private property. And here let it be observed that there is a loose idea abroad, that we hold our rights to that species of property under the compromises of the constitution. We hold them as original rights, before and above the constitution, coming from the states in their separate existence. The compromises of the constitution relate entirely to the relative representation that the states, as political communities, shall have upon this floor; but this is not the source of rights to us in this or any other private property. The constitution recognizes them as private property; the second section, apportioning our representation, the clause enabling the owner to recover his fugitive slave, and the clause sanctioning their importation until 1808, all show that the constitution recognizes them as property, as things, other than persons. The judicial tribunals of the non-slaveholding as well as the slaveholding states have all settled this principle. Then they cannot be taken except for public use. What is public use? If they were wanted on our public works, if they were needed in a great emergency, then might they be taken on just compensation. But if there be any one thing clearer than another, it is that abolition was not the public use contemplated in the constitution. They cannot be taken without just compensation even for public use. How can money be drawn from the public treasury, except through appropriation by law? There can be no legal appropriation, except to carry into effect some specific power granted in the constitution, or clearly implied, as absolutely necessary to carry into effect some specific grant. There is no specific power to abolish slavery, and it being itself a high exercise of substantive power, cannot be implied as absolutely necessary to carry into effect any other power. As well might we pass appropriations to pay the people of this District for their cattle and horses, to give them the blessed privilege of running, free and unrestrained, over the barren hills and waste commons around this capital. As to principle and power it is the same.

But it is said, all the states may emancipate, and this District will be left without the means of changing its condition. This is certainly anything but a constitutional argument, for I answer, that even if this were to be the case, it is the constitution, and will be so until it is changed by the proper authorities. There is really no difficulty on this point, as those who choose can now emancipate by deed or will. In connexion with the constitution, let us for a moment examine the act of cession from Virginia. The proviso declares "that nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States." Let it be understood that this follows immediately after the clause describing the tract of country and particular extent of territory ceded. I admit the terms are somewhat equivocal at first. If the words "the rights of individuals therein" refer only back, to control the property in the soil, then they were of no use; for, under the constitution alone, Congress could not have interfered in the freehold. One of the first principles of the magna charta is, that no freeman shall be dispossessed of his freehold without the judgment of his peers. If those words were meant only to limit the power of the government over the freehold of a citizen, then they were useless verbiage. Those who inserted them must have meant something more. When we look at the sensitiveness of Virginia on the interesting and vital subject of the peculiar property of her citizens she was about to cede, we are led to believe that she must have meant, in the words "rights of individuals therein," other rights than those of "soil." Connect this with the clauses in the constitution, and no man can refrain from admitting that it is, to say the least of it, a doubtful power, which every patriot in a limited government would refrain from claiming as under the constitution.

But, Mr. Speaker, I take higher ground than this, and contend that, according to the bill of rights of Maryland, and the constitution of Virginia, those states, themselves, could not have ceded absolute and unrestrained power over private property of any kind in this District. The citizens of this District had peculiar rights secured in their property by the constitutions of their own states; and if Virginia and Maryland had attempted to cede absolute power over this subject, they would have violated the rights of their own citizens, and would have committed, not a legal act, but an act of force. Next to life and liberty, these citizens had, under the paramount laws of the two adjoining states, the rights of property secured in the most solemn and unqualified manner; and as well might Virginia now divorce from herself any portion of her freemen, and transfer them, bound hand and foot, to the jurisdiction of New York, as to have thrown the citizens of this District, in their rights to a peculiar property, upon the unrestrained and tender mercy of this government.

Again: No state, from the Potomac to the Mississippi, under its constitution as it now stands, has any right to abolish slavery without the consent of the individual owners. I assert this upon that great principle of English liberty which is incorporated into every constitution; that no freeman shall be deprived of his property but by the judgment of his peers or the laws of the land. The constitutions are the paramount laws of the land, which the action of no government, constituted under them, can legally subvert. States may do unlawful acts which their citizens may assent to or acquiesce in, but this does not constitute legal authority. Those states that hold slaves as property, might, if they desired, assemble in their conventions, representing the sovereign power of the community, for the specific object of abolishing that property, and the people might choose their delegates for that alone. But this would be a re-organization of the body politic, above the constitution. And even in convention, they would do it under the unwritten and organic law that governs all simple consolidated communities, and which exists from the necessity of the case, that the majority must govern. This exists only in a consolidated community, when it is thrown into its simple and original elements. And even then, the minority acquiesces more from a calculation of expediency than obligation.

Sir, if this view be true of the great principles that regulate even the power of the states on this subject, how futile and shallow is that argument which claims for this government all the legislative powers here, that the states have within their territories. But it is stronger than this. The government of the United States can acquire no legal power even by consent of citizens. It has no existence beyond the express grants of the constitution, and no power can be acquired for it by the action or acquiescence of the people or citizens: this must be given by the states that made it, and who alone can alter it.

There is a wide mistake and loose notion on the subject of the power of government over private property. Gentlemen draw their ideas on this subject from the history of European governments and the jurisprudence of Great Britain. If there be any one principle that has distinguished our revolution from all others, it is this, that we have succeeded in limiting and restricting the power of government over private property and more effectually securing the rights of citizens thereto. If this was not the great principle of the American revolution, then it has none. The line that separates the power of government from private property, is the line that defines the limits of liberty, in all countries. I know, sir, that the British government, under the claims of omnipotence in Parliament, has again and again trampled over the great principles of the magna charta, and it is not there that we are to look for examples to define our notions of power in government over the property of a free people. Under the plea of state necessity and the high prerogatives of police power, a country may be protected and a people regulated, but the government may be a despotism. But in this country, with our constitutions and limitations defined, I deny the right to interfere with private property except by "due process of law," through the verdict of a jury of freemen.

It is however suggested that, although you cannot pass an act to abolish slavery at present, yet you may pass it to take effect in future, upon the *post nati* principle. Let us examine this. If the rights of citizens be secured unqualifiedly at present under the constitution, how can you directly or indirectly interfere in the future? If I have a perfect right to my stock, I have a right to its proceeds, and the government that attempts to cut off the right of proceeds, is as absolute and despotic as that which would take the property itself. A free government may regulate and shape "descents," to preserve and protect them for the benefit of its citizens, but no government is free that, instead of a wholesome and judicious exercise of this power, usurps to cut them off entirely. If government have no right to destroy the existing property itself, it has no right to destroy its proceeds. The principle and the power are the same in the one case as the other.

Mr. Speaker: Allow me to suggest to our northern friends the propriety, if they can, of taking these constitutional grounds. I respectfully suggest whether it would not be better for them to raise the constitutional restrictions as a shield between themselves and popular fanaticism, than to rely upon the grounds of expediency. If they intend

It is doubtless, true, sir, that the abominations of slavery may have been discussed, collaterally, when the clause of the constitution which prohibited Congress from arresting the African slave trade prior to 1808, was under consideration. But this had no relation to the legal existence of slavery as it then existed, within the states. The two

LIFE.—A German writer remarks, 'Life is a flower-garden, in which new blossoms are ever opening, as fast as others fade.'

Anti-Slavery Intelligence.

OUR anti-slavery friends are deficient in one thing, which we deem essential to the most rapid advancement of the cause. They do not adopt the proper means for obtaining their own strength—especially, we fear, in

have been so long given to the world by the Society of Friends, yet we lament, in view of the visible abatement

The enquiry, how far it would be right and safe for their masters to give immediate freedom to their

He intends to apply to Government for a patent. This notice is to forewarn all persons from taking advantage of discovery, until he can obtain one.

ELIAS R. DAY,
New Richmond, Jan. 29, 1836.—St.

CONGRESSIONAL.

Speech of Mr. Slade, of Vermont.

On the subject of the ABOLITION OF SLAVERY and the SLAVE TRADE within the District of Columbia, delivered in the House of Representatives, Dec. 23, 1835.

THE question being that depending on the motion of Mr. Patton, for reconsideration of the vote referring a petition to abolish slavery and the slave trade within the District of Columbia, to the Committee on the District—

Mr. SLADE said, he had been charged by a large and respectable portion of his constituents with the duty of presenting memorials of similar import to that under discussion; and for that reason, if for no other, he felt bound to ask the indulgence of the House to a few remarks.

He approached the subject, he said, with an oppressive sense of its magnitude, and, knowing its exciting character, of the great danger of being betrayed, in the progress of its discussion, into a state of feeling, unsuited to the place and the occasion. It was a subject on which he, as well as his constituents, felt most deeply; and he could neither represent their feelings, nor express his own, without a plainness and directness which might give offence. He begged gentlemen to believe, however, that he should say nothing to give the slightest personal offence to any; though he should, without fear of any, vindicate the petitioners, and assert the claims of those in whose behalf they plead. He regretted to hear the memorialists spoken of in debate as intruders, and their respectful petitions upon a subject of great national importance treated as a vexatious intermeddling with concerns in which they have no interest. Gentlemen must have patience. These petitioners, as far as he was acquainted with them, were among the most intelligent and respectable of the community in which they reside; while the subject of their petitions was one of which it well became them to speak, and the Congress of the United States to hear.

The great purpose, said Mr. S., of most of those who have hitherto spoken upon this subject seems to be to get rid of the petitions. The gentleman from New York (Mr. Beardsley) wishes to have them all laid on the table, as fast as presented, and "nailed" there; and yet he is exceedingly respectful of the "sacred right of petitioning," which must, on no account whatever, be impaired! The gentleman from South Carolina (Messrs. Hammond, Pickens, and Thomson) are more consistent. They profess to regard the petitions as disrespectful, and the petitioners as officious meddlers with that which does not concern them. They, therefore, would have the petitions rejected. There is, in this, the merit, at least, of consistency, and the gentlemen have my thanks for evincing a disposition to meet the question fairly. Another gentleman, my honorable friend from Massachusetts (Mr. Adams), would have the petitions committed to the committee on the District of Columbia; in other words, to use his own significant, and, in this case, appropriate language—to have them consigned to the "family vault of all the Capulets;" and yet he, too, is jealous of the "sacred right" of petitioning—that is to say, the "sacred right" of being "nailed to the table," by the gentleman from New York, or the "sacred right" of being gathered by the gentleman from Massachusetts, into the "family vault of all the Capulets!"

Sir, the petitioners well understand the nature of both these rights. The last they have long enjoyed, and desire to enjoy it no longer. They want the action of Congress on the subject, which, judging from the past, they are sure not to have, if it is to depend upon the decisive action of the committee on the District of Columbia. I intend no disrespect to that committee. To continue to do what has been done—that is, to do nothing, would follow of course a commitment to them, with an express understanding that the petitions were consigned to the tomb, without the hope of a resurrection.

I, sir, said Mr. S., am in favor of the prayer of the petitioners. I believe that Congress has a right to legislate on the subject, and that the time has come when it ought to legislate. Something has been suggested with regard to political objects connected with the presenting of these petitions. Sir, I have no such object, nor do I believe that any such purpose exists in the minds of the petitioners. They are moved by a spirit of philanthropy, and deprecate the mingling of any considerations with this question which may tend to divert attention from its real merits.

Gentlemen, I regret to say, seem willing to overlook the real object of the petitioners, and to go off into denunciations of "abolitionists," to the end that the odium which has been attached to their measures for effecting the abolition of slavery in the states may be transferred to the exercise of an acknowledged right of asking Congress to abolish it in this District. But what do the petitioners ask at our hands? Why, sir, simply that measures may be taken to put an end to slavery here, and especially that here, where the flag of freedom floats over the Capitol of this great republic, and where the authority of that republic is supreme, and the trade in human flesh may be abolished. These are the questions which gentlemen are called on to meet, but which they do not meet, either by calling the petitioners "ignorant fanatics," or denouncing them as "murderers and incendiaries." If, in the fervor of their philanthropy, any have adopted measures of more than doubtful expediency, for the purpose of acting on the public sentiment in the slave states, in favor of immediate emancipation, it surely furnishes no reason why we should obstinately shut our eyes to the evils which are within our control, and which call loudly for our interposition.

I have said, sir, that I am in favor of the prayer of the petitioners. Let me not be misunderstood. The abolition of slavery which I would advocate, is a gradual abolition. I believe the immediate and unqualified abolition of slavery to be inconsistent with a just regard, both to the best interests of the community, and the highest welfare of the slave. The philanthropy which aims at such an abolition, whatever I may think of its purity, I cannot commend it for its intelligence or discretion. But though I would have abolition advance by a gradual progress towards its final consummation, I would have the work begin immediately. Sir, I cannot stand here as a freeman, and the representative of freemen, without declaring, in the face of this House and of the world, that the right to hold men as goods and chatties, subject to sale and transfer, at the will of a master, should cease and be discontinued instantly and forever.

But while I say this, I would not render worse the condition of the slave, by conferring upon him rights which he is not fitted to enjoy, and which would become to him a curse rather than a blessing. I would not, at once, entirely emancipate him from the control of his master. But it should not be, as now, an arbitrary, unqualified control. For that control I would substitute the authority of LAW, which should be SUPREME. In saying this, sir, I do but carry out a principle which has long been dear to me as an anti-mason. I have maintained, and still maintain, and shall continue to maintain, as a cardinal principle in my political creed, that, in opposition to all individual, and all associated, self-constituted authority, the LAWS should be maintained in full and uncontrolled supremacy. There is no being, entitled to the appellation of man, who should not find shelter under the wings of their broad and ample protection. In applying this principle to the case of the slave, however, I would not confer upon him the same rights which are possessed by his master; and for the obvious reason, that he is not fitted to enjoy them. But I would place him under the supervision of laws made for his special benefit, and adapted to his new condition—laws

which should essentially qualify the control of the master over him—laws which should protect him in all the rights which he is fitted to enjoy, and prepare him for the enjoyment of those to which it would be but a suicidal philanthropy immediately to admit him. Sir, we owe it to this degraded set of men to prepare them for freedom; to communicate to them moral and religious and literary instruction; to restore and protect the domestic relations among them; to teach them the duties which they owe to God, and to us, and to one another; and to build upon the foundation of a conscious responsibility to the government of Heaven and the authority of righteous human laws, a social structure which it shall be our glory to rear, and their highest earthly happiness to enjoy.

But, Mr. Speaker, while I thus repudiate the doctrine of the immediate and unqualified abolition of slavery, I maintain the duty of immediately and absolutely abolishing the slave trade within the limits of this District. And here I come to a part of the subject which gentlemen do not choose to approach, but manifestly desire to avoid. In this I commend their prudence. The slave trade is an evil for which they well know there is no defence, and no palliation. I regret, sir, that I have not the means of ascertaining its extent and character within this District. But the fact that I have no such means, furnishes a strong argument for referring the petitions to a select committee, raised for the purpose of going into a full investigation, and making a full report of the facts connected with this traffic. I can, at present, only say, I am well assured that the trade is actively carried on in the cities both of Washington and Alexandria,* especially in the latter, where is a large receptacle for the securing of slaves purchased in this District and the surrounding country; from which they are, from time to time, shipped to supply the markets in the southern and south-western ports of the United States. I need not say that, what is usually connected with the slave trade elsewhere, is connected with it here—the forced and sale separation of parents and children, of brothers and sisters, of husbands and wives—the utter annihilation of all the endearing relations of human life, and the substitution of the single relation which properly bears to its absolute proprietor.

Sir, shall this trade in human flesh be permitted to continue in the very heart of this republic! Shall the law remain upon our statute book, which solemnly pronounces the citizen of the United States who is found engaged in the slave trade upon the high seas "a pirate," and dooms him to "suffer death," while here, in sight of this very Capitol, the same trade is carried on with impunity! Shall our citizens, who make merchandise of men upon the ocean, be hunted as outlaws; while here, the same offenders against the human race are suffered to pursue the guilty traffic unmolested! Sir, this subject demands a searching investigation. Will gentlemen deny such investigation! Shall the petitions which ask for it be "nailed to the table," or "buried in the tomb of all the Capulets!" I trust they will not be thus disposed of, and that no fear of "excitement" will deter us from probing the subject to the bottom, and administering a prompt and effectual remedy.

I have, Mr. Speaker, spoken plainly and decidedly, because it is due to the people whom I have the honor to represent that I should thus speak. It seems to me, sir, that the sentiments of the people of the north are not fairly understood here on this subject.

An honorable gentleman from New Hampshire (Mr. Pierce) has said that not one in five hundred of his constituents were in favor of the object of these petitions; and other gentlemen have been understood to assert that the great mass of the northern people are opposed to any action of Congress upon the subject. To sustain this view of the matter, the resolutions of public meetings at the north, disapproving certain measures of the abolitionists, have been adverted to. I am well aware, sir, of the import of those resolutions, and think I understand something of the nature of that public sentiment which they indicate. And I must be permitted to say, that I believe gentlemen are much mistaken in supposing that they furnish evidence that the general sentiment of the north is opposed to the favorable action of Congress upon the memorials which are now on your table. No, sir; the meetings which adopted the resolutions in question were got up with no reference to this subject. What are the facts? The southern country had been suddenly flooded from the north with anti-slavery publications; and northern meetings were, thereupon, convened to disavow a participation in the obnoxious measure, and to express their disapprobation of it. This they did, indeed, in strong, decided language. But let not gentlemen mistake the import of all this. It was the measure to which I have alluded which brought into existence these meetings, and it was this against which their proceedings were mainly directed. The question of the abolition of slavery and the slave trade was not agitated. It is not so much as alluded to in the resolutions of the Philadelphia, New York, or Boston meetings; but the doctrine of immediate abolition, and the "extraneous proceedings" (to use the language of the New York resolutions) of the abolitionists, constitute the burden of them all.

Sir, there are very many of those who are disposed to press upon Congress the duty of granting the prayer of these petitions, who did not and do not approve the views and measures to which I have adverted; and it is due to frankness to say, sir, that I am among that number. I have never been able to perceive the expediency or propriety of attempting to inundate the south with even unexceptionable publications on this subject, much less those having a direct tendency to excite the passions of the slave, and tempt him to force the bondage which it is not for him to break, but for others to unloose. I admire, indeed, the purity of the philanthropy which seeks to abolish the institution of slavery, and elevate the degraded children of Africa from the condition of property to the privileges of men; but I deplore its often misdirected zeal, and deprecate the reaction which it is calculated to produce. The abolition of slavery in the states must be their own work. To convince them that the whole system is ruinous and wrong, is not the labor of a day or a year. All the questions connected with this subject are eminently practical questions, and nothing can be more obvious than the danger of failing to accomplish anything by a premature effort to accomplish at once all that an ardent philanthropy may desire.

I have said that the public sentiment at the north is not understood on this subject. I believe, sir, it is greatly misunderstood. A large majority of the people are opposed to certain views and measures connected with the proposed abolition of slavery in

*The following advertisements appear, daily, in the principal newspapers in this city:—

"CASH FOR 200 NEGROES,

Including both sexes, from twelve to twenty-five years of age. Persons having servants to dispose of will find it to their interest to give me a call, as I will give higher prices, in cash, than any other purchaser who is now in this market. I can at all times be found at the Mechanics' Hall, now kept by B. O. Shekel, and formerly kept by Isaac Beers, on Seventh street, a few doors below Lloyd's tavern, opposite the Centre Market. All communications promptly attended to.

JAMES BIRCH,

Washington City.

"CASH FOR 500 NEGROES,

Including both sexes, from twelve to twenty-five years of age. Persons having likely servants to dispose of, will find it to their interest to give us a call, as we will give higher prices in cash, than any other purchaser who is now, or may hereafter come into the market.

FRANKLIN & ARMFIELD,

Alexandria, April 6—d&w.

the states; but they entertain at the same time, an irreconcilable aversion to the institution of slavery, in all its forms. The most conclusive evidence of this is furnished in all the proceedings at the north, which have been adverted to, in this debate, as an index of public sentiment there. Thus the preamble to the Boston resolutions declares—"We hold this truth to be indisputable, that the condition of slavery finds no advocates among our citizens. Our laws do not authorize it; our principles revolt against it; our citizens will not tolerate its existence among them."

This, sir, expresses, I believe, the universal sentiment at the north on this subject. It is a sentiment which is not the production of a momentary excitement, but is deeply seated in the sober and settled convictions of the public mind. And, sir, let me assure gentlemen that no expressions of disapprobation in regard to the measures of "abolitionists," or doubts as to the practicability of immediate emancipation, are to be taken as evidence that the "principles" of the northern people have ceased to "revolt against" slavery; or that they will not avail themselves of every suitable occasion to discuss it, as well as of all reasonable and constitutional means of remedying the evil. The slavery of the states they know they cannot reach but by moral influence; and that influence they think can be made most effectual through kind and respectful, though urgent appeals to the southern interests and the southern conscience. But slavery here, they regard as within the competency of national legislation, and hold themselves, in common with the whole country, directly responsible for its continuance. And I need hardly say that there is a very general desire that measures may be immediately taken, looking to its final abolition; and especially that what has, by almost the whole civilized world, come to be accounted piracy upon the high seas, shall no longer be suffered to go unpunished and unmolested in the capital of this republic.

The venerable member from Massachusetts (Mr. Adams) has said, and said truly, that opposition to slavery is, with the people of the north, a religious principle. An honorable member from Virginia (Mr. Jones) replies, by asking with emphasis, whether it is the religion of the Saviour of men! Sir, I did not expect to hear such a question seriously propounded here. I was not prepared for an intimation that that religion justified the holding of human beings as property. Why, sir, what is the great, leading, moral precept put forth by that Saviour, whose name is thus invoked to sanction the practice of slavery?

"ALL THINGS WHATSOEVER YE WOULD THAT MEN SHOULD DO UNTO YOU, DO YE EVEN SO TO THEM." Sir, I will attempt no commentary on this precept. It needs none. I will only say that it contains the seminal principle of the pure and elevated morality of the Christian system—a morality so congenial with the spirit, and so constantly enforced by the example of its divine author while upon earth.

Now, sir, let gentlemen show me that Africans are not "men," and I will give up the argument. But, until this is done: until the declaration is blotted from the book of Revelation, that "God hath made of one blood all nations of men, to dwell on all the face of the earth;" and until this great truth ceases to find a response in every human bosom, shall slavery stand rebuked by this all-comprehensive and sublime precept of the Saviour of men.

But, sir, the religion which contains this precept, also enjoins this submission to the "powers that be." The same mouth which uttered it said, "Render unto Caesar the things which are Caesar's"—a precept coincident with that which exhorts—"Servants, to be obedient to your own masters; not answering again; nor purloining, but showing all good fidelity." The saviour made it no part of his business, while upon earth, to subvert the existing order of things, or to prescribe specific regulations for the administrations of civil government. But he came to redeem men from sin—to write the law of love upon their hearts—to establish principles and proclaim precepts, before whose searching and all-pervading influence the time-honored systems of injustice and oppression shall melt away.

Permit me now, Mr. Speaker, to examine for a few moments, some of the objections which are urged against the legislation of Congress upon this subject.

We are told in the first place, that this is a question which concerns exclusively the people of this District: that the petitioners have no interest in it, and have no more right to ask Congress to abolish slavery here than they have to petition the legislature of Virginia to abolish it within her limits.

Sir, the people who have signed these petitions regard themselves as citizens, not alone of the particular states in which they reside, but of the republic. Every interest within the scope of the legislation of Congress is their interest. Everything which concerns this territory concerns them; its police; the value and security of the public property within its limits; and the safety of the representative bodies annually assembled here. What may be the absolute or relative increase of its slave population, or how much it may affect the future condition of this District, cannot easily be foreseen. That population amounted, in 1830, to more than 6,000. The time may come when it will amount to ten times that number. And it is of no importance to our country whether its Capital shall be surrounded by a mass of hardy, independent freemen, ready to peril their lives in defending it, as well as themselves, from the invasion of a foreign power; or whether it is guarded by 60,000 slaves, who, instead of rallying in its defence, may hail the invader as an angel of deliverance from their bondage! And is not this subject invested with additional interest, when it is considered that the Congress of the United States will be surrounded by such an amount of such a population? Have the petitioners, then, as a part of the American people, no interest in this question?

And then, too, there is the character of the country as it may be affected by the institutions within the territory, where the legislative power of that country is supreme. Is slavery tolerated in this District? The petitioners feel themselves, in some sense, responsible for it. Is merchandise made of men, within sight of the Capitol in which their Representatives are assembled, and on whose summit wave the stipes and the stars of freedom? As Americans, they keenly feel the reproach, and instinctively reach forth their hands to wipe out the stain from the escutcheon of their country.

But, in the second place, it is asserted that Congress has no right to legislate on this subject; that, however great may be the evil of slavery or the slave trade within this District, it is an evil which must be borne, since authority to remedy it is not to be found among the powers granted in the Constitution.

And what are the powers of Congress touching this subject? Is it true that Congress is authorized to extend its legislation to the high seas, even to the very coast of Africa, and to prohibit the traffic in slaves, under the penalty of death, while it is powerless to reach the same evil in the very heart of the republic? If the grant of powers must be so construed—if there is clearly no authority by which the government can act in this matter, then must we submit to the evil, and wait an amendment of the constitution, which shall make it consistent with itself and save the country from reproach.

But, sir, fortunately for the country, the constitution, through which we derive our powers, is not thus defective. The power to legislate upon this subject is granted; and that not by remote implication, but in terms of obvious and familiar import. The eighth section of the first article gives to congress authority "to exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular states and the acceptance of Congress, become the seat of government of the United States."

In the first place let it be observed, the power of Congress to legislate in this District is exclusive. There is no other jurisdiction, either concurrent or conflicting. The jurisdiction of Virginia and Maryland, from which this territory was acquired by cession, is as perfectly excluded as is the authority and jurisdiction of the Emperor of all the Russias.

The exclusive character of the jurisdiction being apparent, the next question is, what is its extent? The answer is in the language of the grant, that it extends to "all cases whatsoever." The framers of the constitution could have employed no language of more comprehensive import than this—"All cases whatsoever." But are there no limitations to this? Certainly. The grant is subject to the limitations which are incident to all legislative power. There are many things which no legislature can rightfully do. It cannot pass an *ex post facto* law. It cannot, by a mere act of legislation, transfer the property of one individual to another. It cannot authorize the commission of crime. These, and such like limitations, exist in the present case; not because of anything in the language of the grant, but because they are inherent in the very nature of all legislative power.

Now, will it be seriously contended that the abolition of slavery and the slave trade is embraced within these implied limitations of legislative power? Is it not within the competency of ordinary legislation? Have not slavery and the slave trade been abolished by many states of this Union; and that, not upon the ground, as has been suggested in debate, of interest merely, but because, when thoroughly examined, the pretended right to hold and transfer men as property has been found to rest on no substantial foundation? Indeed, the opposers of these petitions themselves, by laboring as they do to derive a prohibition to legislate on this subject from the constitution, and from the reservations in the cessions of this territory, manifestly betray an unwillingness to trust the claim to exemption from congressional legislation to the natural limitation of legislative power.

It is said indeed, by the gentleman from Virginia (Mr. Wise) that the states which have abolished slavery "have not violated the great principle of vested rights, by taking slave property against the consent of the owners and without compensation;" but that they have merely "adopted the *post nati* principle, and declared that rights which did not exist at the time should never exist;" that is, that the issue of slaves born after a certain future time should be free. Without stopping to enquire into the correctness of this, in point of fact, but for the purposes of this argument, admitting it, let me ask, what is the difference in principle between depriving an individual of his slave by act of legislation, and of the right to the issue of that slave by the same act? Upon common principles, an absolute right to the one as property necessarily carries with it a right to the other; and a farmer would resist as equal infringement of his rights, an attempt to take away his cattle, and a claim to deprive him of their future progeny.

It would be appropriate here to go into an examination of the right which is claimed to hold men as property, and of the rightful extent of legislation on this subject. But it opens too broad a field for the present discussion, and I will not enter it.

It thus appears that the right to legislate on the subjects of these petitions, which is manifestly included within the terms of the grant of power to Congress, is not excluded by operation of the principles which form the basis of ordinary exceptions to the power of legislation. What is there, then, to exclude from the sweeping grant of power to legislate "in all cases whatsoever," the power in question?

An honorable gentleman from Virginia (Mr. Wise) finds various grounds of implied exclusion in the constitution. He says there are certain admitted exceptions to the legislative power of Congress in regard to this District, which he enumerates; and thereupon proceeds to infer from the fact of these exceptions, that the power in question is also excepted.

Thus, he says that Congress is prohibited by the constitution from suspending the writ of *habeas corpus*, from passing a law respecting the establishment of religion, and from abridging the freedom of speech and of the press, or the right of the people to be secure in their persons, houses, papers, and effects, &c., and asks if these prohibitions do not extend to the power of Congress to legislate for this District. Most certainly they do; but it is for the obvious reason that they are unlimited in their terms, and of course necessarily extend to the whole legislation of Congress. Is there any such limitation of the power in question? Why, when the convention was in the act of providing limitations to the powers which had been granted to Congress, in the eighth section of the first article of the constitution, did they omit to limit specifically the power of legislation "in all cases whatsoever," which had been granted to Congress in reference to this District?

Again: The gentleman from Virginia says, if I rightly understand his argument, that the provision of the constitution, that "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states," necessarily extends to the District of Columbia, and that Congress must be understood to be prohibited from disfranchising here the citizens of the several states; that is, that it cannot deprive them of the privileges of citizens of the District whenever they come to it. It is true it cannot, because there would be a gross and glaring absurdity in securing, as the constitution does, the rights of citizenship in each state, to citizens of every other state, and at the same time denying the rights of citizenship in this District—the common property of all the states—to the citizens of those states. And, besides, the very act of constituting this ten miles square a District of the United States, necessarily gives to the citizens of each and all the states common rights in it; not the rights which they each enjoy in their respective states—as the terms in which the gentleman states his argument would seem to imply—because that would constitute twenty-four different rules of action; but the right of each resident and sojourner here, of being protected by the laws made for the District, and the whole District.

The exception, then, of a right to disfranchise a citizen of Virginia who may come here, rests upon a principle having no possible relation to the case in question.

But further, the gentleman from Virginia says, that no person held to service or labor in a state, under the laws thereof, escaping into the District, can be discharged from such service or labor, but must be delivered up to the party to whom such service or labor may be due, and that this constitutes an exception from the general power to legislate "in all cases whatsoever" for this District. I admit it does, and why? Plainly because the constitution having expressly secured the right to the slave owner to reclaim his slave in any and every state of this union, it would be a clear evasion of it, as well as a manifest absurdity to deny him that right, in a District, which is the common property of the very states within which his right of reclamation is secured by the constitution. The exception in this case rests, therefore, substantially upon an express provision of the constitution, which, by no possibility of construction, can sustain the exception in question.

Again: The constitution provides that "no tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to and from one state be obliged to enter clear, or pay duties in another." And the gentleman from Virginia contends that this prohibition must be regarded as extending to the commerce and the ports of the District of Columbia; and if so, his inference is, that an implied prohibition of the abolition by Congress of slavery and the slave trade in the states, must also be taken to extend to this District.

The first clause of the provision of the constitution just referred to, was designed to exempt the ex-

ports of the country from taxation, and must of necessity, be taken to extend to all the ports within it; otherwise the entire object of the clause might be directly defeated. The remaining clauses of the provision, it will be observed, have exclusive reference to the equality of privileges of the several states, which they aim to preserve, by prohibiting Congress from favoring the commerce, or the ports, or the navigation of one, at the expense of another. This it might do, in effect, if the ports, and commerce, and navigation of this District might be exempted from the operation of the clauses in question. Thus, a preference of the port of Alexandria over that of Baltimore would disturb the equality of privilege which the constitution intended to preserve between Virginia and Maryland.

But what has all this to do with the subject under discussion? The provisions with regard to commerce &c., do not specifically reach it; and it is only therefore, from the supposed analogy between the implied limitation of the power of Congress, in the cases cited, and the limitation sought to be established in the present case, that an argument can be drawn in favor of the latter. But where is the analogy between an implied prohibition to abolish slavery in the states, and an express prohibition of a preference of the ports of one state over those of another state? There is, indeed, a prohibition in both cases, but here the analogy ceases. If this is sufficient to establish the position of gentlemen, let us see what other positions it may establish. Upon the same ground that Congress is prohibited from abolishing slavery in the state of Virginia, for example, is it also prohibited from forbidding in that state the sale of lottery tickets, and the practice of gambling, and the crime of kidnapping. But could it not have enacted a prohibition of these practices in the city of Alexandria the moment it was ceded to the United States? Could it not, in fact, have rendered valueless establishments for gaming, and receptacles for the kidnapped, which had been erected under the sanction of the laws of Virginia, if those laws had permitted such practices? Would the gentleman from Virginia have exclaimed against the invasion of vested rights, the taking of private property for public use, without compensation?

Again: The gentleman from Virginia says, the "local legislature of this District cannot enter into any treaty, alliance, or confederation, grant letters of marque and reprisal, coin money," &c., and infers, if I understand him, that because this disability results, as he supposes, by implication, from the inhibition to the states of the exercise of these powers, therefore the assumed disability of Congress to abolish slavery and the slave trade in this District may, in like manner, result from its want of power to put an end to these evils in the States.

The whole of this argument rests on a false supposition with regard to the source of the inability of Congress, as a legislature for this District, to make treaties, grant letters of marque, and coin money; and falls to the ground when it is perceived that that inability results, not from the inhibition to the states of the exercise of such powers, but from their utter inconsistency with both the purposes for which the power to legislate over this District was granted, and the relation which the District evidently bears to the union.

The gentleman from Virginia next proceeds to lay down the following general rules to restrain legislation over this District:—

1. "That nothing which Congress is expressly prohibited by the constitution from doing as a national legislature, can it do as a local legislature for the District of Columbia."
2. "That all the duties and obligations which the states are bound by the constitution to discharge and observe, from one to the other, the District of Columbia, or its legislature, is bound to discharge and observe towards the states, respectively."
3. "That the local legislature of the District of Columbia can do no act, or pass no law, which the states are prohibited from doing or passing, by the constitution."

And how, let it be asked, do these rules affect the present question? No express prohibition to legislate on the subject of state slavery is found in the constitution, unless it be in the amendment which provides that "the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." But if Congress cannot legislate on the subject of slavery in this District, because the right to legislate upon it in the states is "reserved to the states," how is it to legislate for the District at all? The subjects of every-day legislation for the District are subjects upon which Congress has no power to legislate for the states, and are, therefore, according to the gentleman's argument, subjects on which it has no right to legislate here.

And how does the gentleman's second rule touch this subject? Are the states bound, by their "duties and obligations" towards each other, to refrain from abolishing slavery and the slave trade within their respective limits? Nobody pretends this.

Many states have done it, and many more may yet do it, for anything that can be found to the contrary in the constitution. And can any greater evil result to any of the slave states from the exercise of a power by Congress to abolish slavery and the slave trade within the limits of this District, than would result from the exercise, by the states, of their admitted power of doing the same thing within their limits? May not Maryland, for example, if she chooses, put an end to these evils within her limits? And would not the exercise of the power be as dangerous to the peace of the south, as would be the exercise of the same power by Congress in regard to this District?

And has the gentleman's third rule a more appropriate application to the present question than either of the others? To what purpose, in reference to this argument, is it to say that Congress can pass no law in reference to this District which the states are prohibited from passing? Are the states prohibited from passing laws abolishing slavery and the slave trade within their respective limits?

The gentleman from Virginia says, the constitution declares that "private property shall not be taken for public use, without just compensation." Supposing this to have any application to the present case, it only involves the enquiry, whether slaves can be rightfully emancipated by legislative authority, without providing a just compensation to their masters. This touches a question which I will not now discuss, namely: what is the foundation of the right to the slave, which is said to be vested in the master? Congress, however, are not asked to take private property for public use; but to free the American from the unnatural condition of being the property of another, to the end, not that he may become the property of the public, but the proprietor of himself. But this is not all that we are called on to do. We are asked to prohibit men from making merchandise of their fellow-men; from buying and selling them "to get gain." Do gentlemen talk of a compensation to the slave-merchant for the loss of such a privilege? Do they even touch the subject of the slave trade within this District? Dare they do it? Are there any "vested rights" in the way of legislation on this subject? Is there any question about "compensation" involved—any limitation growing out of "the nature of society, and of government," to which the gentleman from Virginia refers?—any express or implied infringement of the rights of the states?—any kind of obstacle, in short, but the want of a will, in those who have the power, to put down this abominable traffic.

[To be concluded in our next.]

EPITAPH ON AN INFANT.

Ere sin could blight, or sorrow fade,
Death came with friendly care—
The op'ning bud to Heav'n conveyed,
And bade it blossom there.